

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :	
REVOCATION OF THE LICENSE OF :	
CHRISTINE ANN SEAMAN, LPN :	ADMINISTRATIVE ACTION
License No. 26NP05470300 :	
TO PRACTICE NURSING IN THE STATE :	FINAL ORDER OF
OF NEW JERSEY :	DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Christine Ann Seaman ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all times relevant hereto.

2. By Final Order of Discipline filed on December 10, 2013, based upon Respondent's conviction for theft from a patient for whom she was providing home care, Respondent's license was suspended for a minimum of six months. The Order further provided that the Board would not entertain a petition for reinstatement from Respondent until she had undergone a comprehensive mental health and substance abuse evaluation under

the auspices of the Board's designated intervention program, the Recovery and Monitoring Program (RAMP) and until RAMP indicated that Respondent was fit and competent to practice. Lastly, the Order provided that upon reinstatement, if any, Respondent's practice would be limited and that she would be precluded from practicing in a home setting.

3. Respondent's license remains suspended pursuant to the Final Order of Discipline as she has not petitioned for reinstatement of her license.

4. On March 4, 2014, the Board received information that Respondent had been working as a Licensed Practical Nurse doing home care from the date of the Final Order of Discipline which suspended her, December 10, 2013 through February 28, 2014. Respondent's employer, a healthcare services provider "serving all of your homecare needs," did not learn Respondent's license was suspended until February 28, 2014. Respondent had failed to inform her employer that her license was suspended and when confronted by her employer, indicated that she was having an issue with her license and that she would be calling the Board of Nursing.

CONCLUSIONS OF LAW

By working as a Licensed Practical Nurse doing home care for more than two months after her license was suspended,

Respondent violated the Final Order of Discipline filed on December 10, 2013. Respondent's failure to comply with a Board order is deemed professional misconduct pursuant to N.J.A.C. 13:45C-1.4, which subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(e). Additionally, the Board finds that Respondent engaged in the unlicensed practice of nursing while her license was suspended in violation of N.J.S.A. 45:11-27(d) and N.J.S.A. 45:11-37(d). Lastly, Respondent engaged in the use or employment of dishonesty and deception by failing to inform her employer that her license was suspended and for continuing to accept nursing assignments in home care while her license was suspended and she was not legally authorized to work in any capacity as an LPN.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 7, 2014, provisionally suspending Respondent's nursing license for an additional two years, and imposing a \$2500 civil penalty, with conditions placed upon reinstatement. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law

by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order via her attorney, contesting both the basis for the Provisional Order and the basis for the Final Order of Discipline entered on December 10, 2013. Ms. Seaman asks to have the 2013 order vacated, contending that she did not have proper notice, as the Provisional Order that issued on May 29, 2013, sent to her first in May of 2013, and then again in October of 2013, because it had apparently been sent to the wrong address. Although respondent acknowledged eventual receipt of the second mailing of the Provisional Order, she claims she believed that it was too late to respond, since the cover letter referred her to instructions in the Provisional Order that indicated she had 30 business days within which to respond. Ms. Seaman contends that although she entered a guilty plea to theft of a charm from a paraplegic patient, she was not actually guilty of theft, as she did not actually intend to deprive the patient of his property. In proof of that, she cites her own testimony before the Board,

and invokes a number of letters attesting to her good character and professionalism as a nurse.

Ms. Seaman also claims that she worked while her license was suspended because she did not believe that the suspension would take effect until she had enrolled in the Recovery and Monitoring Program of New Jersey (RAMP), and did not become aware of her suspension until her employer at Liberty Healthcare Services brought the issue to her attention.

The Board considered these contentions, but did not find them persuasive. Ms. Seaman made no effort to respond to the Provisional Order filed on May 29, 2013, although there was ample opportunity to do so dating her receipt of the Provisional Order from the mailing on October 11, 2013. Had she believed she had been deprived of the opportunity to be heard, the time to protest this would have been after the receipt of the October 11, 2013 mailing, or following the filing of the Final Order of Discipline on December 10, 2013. Moreover, equally important, the argument that she entered a guilty plea only because her attorney advised her to do so, but was actually not guilty of stealing from her quadriplegic patient, is not convincing. Ms. Seaman entered a guilty plea. Ms. Seaman's subsequent self-serving testimony at an investigative inquiry does not override the theft conviction; instead, it raises issues as to why Ms.

Seaman would claim as a defense that she was not honest with the court when she entered into the guilty plea.

Ms. Seaman's assertion that she did not realize that the December 10, 2013 Final Order of Discipline implicated the suspension of her license similarly strains credulity. If Ms. Seaman was truly unable to understand even the language of the cover letter ("By the terms of the order, your New Jersey nursing license has been suspended"), it calls into question her ability to carry out instructions and function as a nurse. Had Ms. Seaman actually experienced any doubts as to her status, she might have contacted the Board, or consulted an attorney. Instead, Ms. Seaman obtained employment as a nurse, until her employer (who had no difficulty in understanding that Ms. Seaman's license had been suspended) advised her of that suspension.

Thus, rejecting respondent's arguments as to due process, and arguments in mitigation, the Board determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 9th day of December, 2014,

ORDERED that:

1. Respondent's license shall hereby remain suspended for a minimum of two years from the effective date of this order.

2. Respondent is hereby reprimanded for her violation of a Board Order and for engaging in the unlicensed practice of nursing.

3. Respondent shall pay a two thousand five hundred dollar (\$2500) civil penalty for violating a Board Order and for engaging in the unlicensed practice of nursing while her license was suspended. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The Board will not entertain any application for reinstatement of Respondent's license unless and until Respondent satisfies in full the civil penalty herein imposed, complies with all regulatory requirements, undergoes a comprehensive mental health and substance abuse evaluation under the auspices of the Board's designated intervention program, the Recovery and Monitoring Program (RAMP), demonstrates that she is

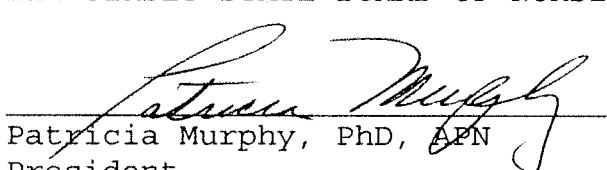
fit and competent to practice, and RAMP supports the reinstatement of Respondent's license.

5. Upon reinstatement, if any, Respondent's practice shall be limited and Respondent shall not work in any home care setting or in any unsupervised position.

6. Respondent shall cease and desist from practicing as a nurse and shall not represent herself as a nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for an additional charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
President